

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: AS TO DIANE M. VAN DEN ELZEN
DIANE M. VAN DEN ELZEN, TODD J. WIESE, :
AND TODD WIESE HOMESSELLING SYSTEMS: LS0906254REB
INC., :
RESPONDENTS :

Division of Enforcement Case File # 06 REB 080

The parties to this action for the purpose of Wis. Stats. § 227.53 are:

Diane M. Van Den Elzen
1601 Swan Rd., Apt. 3
De Pere, WI 54115

Real Estate Board
P.O. Box 8935
Madison, WI 53707-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Real Estate Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Diane M. Van Den Elzen is licensed in the State of Wisconsin as a Real Estate Salesperson, license # 94-57212. This license was first granted to her on 06/26/2003 and is current through 12/14/2010. The most recent address on file with the Department of Regulation and Licensing for Ms. Van Den Elzen is 1601 Swan Rd., Apt. 3, De Pere, WI 54115.

2. On April 10, 2006, a complaint was received by the Wisconsin Department of Regulation and Licensing (Department) alleging that Respondent Van Den Elzen failed to properly handle a real estate transaction.

3. During the course of the investigation, a Department investigator obtained copies of all documents relating to the transaction in question.

4. On March 3, 2006, Diane M. Van Den Elzen wrote an offer to purchase a property located at 1933-1935 Farlin Ave. in Green Bay, Wisconsin for Brooke M. Gildernick. The Offer to Purchase did not contain a financing

contingency.

5. On March 3, 2006, the seller of the property located at 1933-1935 Farlin Ave. accepted Ms. Gildernick's Offer to Purchase.

6. Brooke M. Gildernick was unable to obtain financing for the property and therefore, she was unable to purchase the property.

CONCLUSIONS OF LAW

1. The Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent Diane M. Van Den Elzen has violated Wis. Admin. Code RL § 24.07(2) by failing to disclose material adverse facts in a real estate transaction.

3. As a result, Respondent Diane M. Van Den Elzen is subject to discipline pursuant to Wis. Admin. Code § RL 24.01(3) and Wis. Stat. § 452.14(3)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Diane M. Van Den Elzen is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Diane M. Van Den Elzen shall pay COSTS in the amount of FOUR HUNDRED DOLLARS (\$400.00) within 90 days of the date of this Order and a FORFEITURE in the amount of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00) within 90 days of the date of this Order.

3. Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment as ordered, then the Respondent's license SHALL BE SUSPENDED without further notice or hearing until Respondent has complied with the terms of this Order.

5. This Order is effective on the date of its signing.

IT IS FURTHER ORDERED that file 06 REB 080 is hereby closed.

Dated this 24th day of June, 2009.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum